

RULE 71 - ASSESSMENT APPEALS

Rule added by Ordinance No. 9 (2/14/83); amended by Ordinance No. 11 (11/14/83) and Ordinance No. 22 (3/11/85); deleted by Ordinance No. 104 (7/15/02)

RULE 71 - BOARD MEMBER POLICY REVIEW AND/OR APPEAL

- A. Any member of the Board of Directors of the Monterey Peninsula Water Management District, may refer an appealable subordinate decision to the Board of Directors for review on the basis that the determination affects, impacts, or deals with matters of general policy of the Monterey Peninsula Water Management District, or may have a significant environmental, economic, or physical impact on a District facility or service. The general procedures of Rule 70 shall apply, insofar as practical. However, there shall be no fee for such a review.
- B. The Board of Directors of the Monterey Peninsula Water Management District may elect to take no action, making the subordinate decision final, or, upon the request of any Board member, the Chair shall set the matter for hearing as an appeal, which shall be heard and determined in the same manner as other appeals taken pursuant to Rule 70. No Board member shall be deemed to have a conflict of interest or a disabling bias solely by making a request for an appeal. There shall be no fee for such an appeal.
- C. Upon hearing the appeal, the Board of Directors of the Monterey Peninsula Water Management District shall consider the record and such additional evidence as may be offered and shall find whether, in its opinion, error was made. The Board of Directors may affirm, reverse, or modify the action appealed as it deems just and equitable, and may exercise all rights of any other officer or commission. The Board of Directors shall transmit a copy of its decision to the Applicant and the appellant.

Rule added by Ordinance 104 (7/15/02); amended by Ordinance No. 125 (9/18/2006)